

X-6

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH, SITTING IN AND FOR UTAH COUNTY.

Provo Reservoir Company,
a corporation, Plaintiff, |

No. 2888 Civil.

vs. |

S T I P U L A T I O N .

Provo City et al., Defendants. |

THIS STIPULATION MADE AND ENTERED INTO BY AND BETWEEN THE PLAINTIFF, THE PROVO RESERVOIR COMPANY, AND THE DEFENDANTS WHO NAMES ARE HERETO SIGNED, WITNESSETH:

I. That whereas the above entitled action has been brought to determine and adjudicate and decree the rights of all the users and claimants of the waters of Provo River and its tributaries and for the purpose stipulating the respective acreage of each of the parties hereto, claiming and using water from said Provo River and its tributaries and in order to save the costs and expenses of offering proof of such rights in open court and prolonging litigation it is hereby agreed as follows, to wit:

I. That the duty of water for the lands of these defendants shall be one second foot of water for each sixty acres and proportionately for each fraction thereof, delivered at the lands of defendants, losses in transmission not to be deducted therefrom but on the contrary allowances for loss in transmission from the point of diversion to said lands to be measured or estimated and added to the amount diverted in sufficient quantities to equal one foot for sixty acres at the respective lands of claimants, **PROVIDED**, that when any canal or ditch is not in good repair, measurements may be made at or near the point of diversion.

II. That in addition to the aforesaid one second foot for sixty acres *and after plaintiff shall be supplied with one second foot for 70 acres and according to its application* the respective parties hereto, shall be entitled to their prorata share of all high or flood waters of Provo River, share and share alike with other claimants and users rightfully claiming and using waters from said Provo river and its tributaries according to the acreage owned by each, without interference or hinderance as to such use during the high or flood waters.

III. That the irrigation season shall be from the 1st day of May to the 1st day of October, of each and every year.

IV. That the respective acreage irrigated by the parties defendants hereto and to which they are entitled to a first class water right according to the foregoing stipulation is as follows, to wit:

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Signature.	Means of Diversion	Name	No. of Acres.	Total Ac.
✓ Fred Remund	(PHIL SMITH DITCH	F. Remund	8.	
	(PHIL SMITH SLOUGH	F. Remund	18.	26.
	Phil Smith Ditch & Slough	Phillip L. Ford ✓		1.5
✓ Joseph Abegglen	(PHIL SMITH SLOUGH	Jos. Abegglen	5.	
	(PRIVATE DITCH	Jos. Abegglen	10.	15.
✓ Ulric Abegglen Estate,				
✓ Jas. B. Williams	PHIL SMITH SLOUGH	Administrator,		4.
✓ D. E. Peterson	MITCHEL DITCH,	J. E. Peterson		8.
✓ Chris Mitchel	MITCHEL DITCH	Chris Mitchel		40.
✓ Felix Martin	MITCHEL DITCH,	Felix Martin		30.
✓ John U. Buehler	MITCHEL DITCH,	John U. Buehler		15.
✓ Jesse Nelson	NELSON DITCH,	Jesse Nelson		23
✓ Jesse Nelson Jr.,	NELSON DITCH,	Jesse Nelson Jr.,		20
✓ George Nelson,	NELSON DITCH,	George Nelson,		20
✓ Alder Bros,	NELSON DITCH,	Alder Bros,		20.50
✓ James J. Alder				
✓ William H. Winterton	(NEAKS BOTTOM SLOUGH,	Wm H. Winterton	17.75	
	(WINTERTON SPRINGS,	do 2 Fishponds & 9.		26.75
Snake Creek	Snake Creek	Wm. VanWagoner		20.50
✓ Wm. H. Winterton	CHARLESTON-MIDWAY	Wm. H. Winterton,	12.50	12.50
✓ Jay Hanks	SPRING CREEK DITCH,	do	12.50	5.85
✓ R. H. Hanks	do	Mrs E. L. Hanks		5.85
	do	E. L. Brown ✓		10.
✓ Ellen C. Wright	do	Ellen C. Wright,		28.
✓ D. S. Huffaker Estate,				
✓ Vermont Huffaker	do	Vermont Huffaker, Admin.		25.
✓ John B. Powers	do	John B. Powers,	5.	
	(WOOTTON SPRINGS,	do	2.91	7.91
✓ Wm. Winterton	(CHARLESTON-MIDWAY			
	(SPRING CREEK DITCH	Wm Winterton,	3.75	
	(WINTERTON SPRINGS	BRANCH do 2 Fishponds	5.50	
	(do		17.58	26.83
✓ Geo. H. Edwards	CHARLESTON-MIDWAY	Geo. H. Edwards,	27.	
	SPRING CREEK DITCH,		00.	
	(BONNER SLOUGH & SOI-			
	(DIER HOLLOW,	do	10	
	(NORTH DRAIN DITCH,	do	05.90	
	(Tate's Upper Springs		14	
	(River Slough & Spring (Island Land)		1.1	78.
✓ Jas. S. Wright	CHARLESTON-MIDWAY			
	(SPRING CREEK DITCH,	Jas. S. Wright,	15.	
	(W. D. WRIGHT SPRINGS,	do	23.22	38.22
✓ Hiram Winterton	(CHARLESTON-MIDWAY			
	(SPRING CREEK DITCH,	Hiram Winterton,		9.
✓ Thomas Winterton	(Charleston-Midway	Thomas Winterton		18.
	(Spring Creek Ditch			

✓ <u>H. D. Wright</u>	(CHARLESTON-MIDWAY SPRING CREEK DITCH, & TATE SLOUGH BONNER SLOUGH & SOL- DIER HOLLOW,	W.D.Wright, do	22.50 28.	50.50
John Fowers Estate,	(BROWN SLOUGH RIVER DITCH, FOWERS SPRINGS,	J.W.Subbs, owner, do do	2.50 8.50 28.	39.
✓ <u>P. W. Edwards</u>	(RIVER DITCH, SPRINGER & TATE SPRINGS, BONNER SLOUGH & SOLDIER HOLLOW, FOWERS SPRINGS,	P.W.Edwards, P.W.EDWARDS, P.W.Edwards do	3.50 2.70 27.20 56.	89.40
✓ <u>Earl Stringfellow</u>	(FOWERS SPRINGS, W.D.WRIGHT SPRINGS	Earl Stringfellow do	10 18.13	28.13
✓ <u>Geo. R. Carlile</u>	SPRINGS & PROVO RIVER,	Geo.R.Carlile		30.
✓ <u>Wm N Casper</u>	PROVO RIVER,	Wm N.Casper,		15.
✓ <u>James Casper</u>	HICKEN SLOUGH,	James Casper,		20.
✓ <u>J.M. Casper</u>	JACK WATKINS SLOUGH,	J.M.Casper,		18.
✓ <u>J.M. Ritchie</u>	RIVER SLOUGHS,	J.M.Richie,		90.
✓ <u>William Daybell</u>	(RIVER SLOUGH & SPRINGS,	Wm Daybell,		28.
JOHN KUMMER ESTATE,				
✓ <u>Emma Bond</u>	MIDWAY TOWN DITCH,	Emma Bond, Administrator		6.
✓ <u>Erminia Cummins</u>	PROVO RIVER,			
✓ <u>Laura Murdock</u>	<u>Eustatia Averett</u>			
✓ <u>Wm J Averett</u>	<u>Jos Averett</u>			
✓ <u>Alfison Averett</u>	<u>Edna Murdock</u>			
✓ <u>Jos Averett</u>	<u>Leona Bonner</u>	Heirs of Wm Averett, Deceased,		10.20
✓ <u>Alonzo A. Hicken</u>	PROVO RIVER,	Alonzo A.Hicken,		10.89
✓ <u>Elisha Webster</u>	<i>Irrigated from slough having its source in Provo River & through Webster Spring Ditch</i>			10. ac
✓ <u>Emma Wherritt</u>	Lot 2 Blk 94 Heber,	Emma Wherritt,		1. Lot
✓ <u>Joseph Hatch</u>	Lots 3 & 4, Heber,	Joseph Hatch,		2 Lots.
	WASATCH IRRIGATION COMPANY'S Canal			20. Ac
	SPRINGS AND DRAINAGE,	Joseph Hatch,		28. Ac.
	HEBER TOWN DITCH, COAL YARDS	Jos. Hatch,		1. Ac.

DEFENDANTS

and PROVO RESERVOIR COMPANY, Plaintiff,

By A. J. Evans one of Plaintiff's attorneys

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INDIST. COURT
UTAH CO., UTAH,

* FILED *

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E. Walpurgus Clerk.

M. Shaw Deputy.